
SUBSTITUTE SENATE BILL 5375

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, McCaslin, Haugen, Deccio, Franklin, Spanel, Kohl, Snyder, Quigley, Prentice, Oke and Moyer)

Read first time 03/01/95.

1 AN ACT Relating to suspension of licenses for failure to pay child
2 support; amending RCW 74.20A.020, 46.20.291, 46.20.311, 18.04.335,
3 18.11.160, 18.27.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110,
4 18.130.150, 18.160.080, 43.20A.205, and 43.70.115; reenacting and
5 amending RCW 18.130.050; adding new sections to chapter 74.20A RCW;
6 adding a new section to chapter 48.22 RCW; adding a new section to
7 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a
8 new section to chapter 18.08 RCW; adding a new section to chapter 18.16
9 RCW; adding a new section to chapter 18.20 RCW; adding a new section to
10 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a
11 new section to chapter 18.43 RCW; adding a new section to chapter 18.44
12 RCW; adding a new section to chapter 18.51 RCW; adding a new section to
13 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a
14 new section to chapter 18.106 RCW; adding a new section to chapter
15 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
16 section to chapter 18.145 RCW; adding a new section to chapter 18.165
17 RCW; adding a new section to chapter 18.170 RCW; adding a new section
18 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW; and
19 creating new sections.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1 NEW SECTION. **Sec. 1.** The legislature recognizes that the current
2 statutory procedures for the collection of child support do not apply
3 to all persons owing child support. In order to further insure that
4 child support obligations are met, this act establishes a program by
5 which certain licenses may be suspended if a person is ninety days or
6 more in arrears on child support payments. With this program, it is
7 the intent of the legislature to provide a strong incentive for persons
8 owing support to make timely payments, and to cooperate with the
9 department of social and health services to establish an appropriate
10 schedule for the payment of any arrears.

11 In the implementation and management of this program, it is the
12 legislature's intent that the objective of the department of social and
13 health services be to obtain payment in full of arrears, or where that
14 is not possible, to enter into agreements with delinquent obligors to
15 make timely support payments and make reasonable payments towards the
16 arrears. The legislature intends that if the obligor refuses to
17 cooperate in establishing a fair and reasonable payment schedule for
18 arrears, or refuses to make timely support payments, the department
19 shall proceed with certification to a licensing entity or the
20 department of licensing that the person is not in compliance with a
21 child support order.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.20A RCW
23 to read as follows:

24 (1) As used in this section, unless the context indicates
25 otherwise, the following terms have the following meanings.

26 (a) "Licensing entity" includes any department, board, commission,
27 or other organization of the state authorized by Title 18 RCW to issue,
28 renew, suspend, or revoke a license authorizing an individual to engage
29 in a business, occupation, profession, or industry, and the Washington
30 state bar association.

31 (b) "Noncompliance with a child support order" means a responsible
32 parent has:

33 (i) Accumulated arrears totaling more than six months of child
34 support payments;

35 (ii) Failed to make payments pursuant to a written agreement with
36 the department towards a support arrearage in an amount that exceeds
37 six months of payments; or

1 (iii) Failed to make payments required by a superior court order or
2 administrative order towards a support arrearage in an amount that
3 exceeds six months of payments.

4 (c) "License" means a license, certificate, registration, permit,
5 approval, or other similar document issued by a licensing entity
6 evidencing admission to or granting authority to engage in a
7 profession, occupation, business, or industry.

8 (d) "Licensee" means any individual holding a license, certificate,
9 registration, permit, approval, or other similar document issued by a
10 licensing entity evidencing admission to or granting authority to
11 engage in a profession, occupation, business, or industry.

12 (2) The department may serve upon a responsible parent a notice
13 informing the responsible parent of the department's intent to submit
14 the parent's name to the department of licensing and any appropriate
15 licensing entity as a licensee who is not in compliance with a child
16 support order. The department shall attach a copy of the responsible
17 parent's child support order to the notice. Service of the notice must
18 be made by certified mail, return receipt requested, or by personal
19 service.

20 (3) The notice of noncompliance must include the address and
21 telephone number of the department's division of child support office
22 that issues the notice and must inform the responsible parent that:

23 (a) The parent may request an adjudicative proceeding to contest
24 the issue of compliance. The only issues that may be considered at the
25 adjudicative proceeding are whether the parent is required to pay child
26 support under a child support order and whether the parent is in
27 compliance with that order;

28 (b) A request for an adjudicative proceeding shall be in writing
29 and must be received by the department within twenty days of the date
30 of service of the notice;

31 (c) If the parent requests an adjudicative proceeding within twenty
32 days of service, the department will stay action to certify the parent
33 to the department of licensing and any licensing entity for
34 noncompliance with a child support order pending entry of a written
35 decision after the adjudicative proceeding;

36 (d) If the parent does not request an adjudicative proceeding
37 within twenty days of service and remains in noncompliance with a child
38 support order, the department will certify the parent's name to the

1 department of licensing and any appropriate licensing entity for
2 noncompliance with a child support order;

3 (e) The department will stay action to certify the parent to the
4 department of licensing and any licensing entity for noncompliance if
5 the parent agrees to make timely payments of current support and agrees
6 to a reasonable payment schedule for payment of the arrears. It is the
7 parent's responsibility to contact in person or by mail the
8 department's division of child support office indicated on the notice
9 within twenty days of service of the notice to arrange for a payment
10 schedule. The department may stay certification for up to thirty days
11 after contact from a parent to arrange for a payment schedule;

12 (f) If the department certifies the responsible parent to the
13 department of licensing and a licensing entity for noncompliance with
14 a child support order, the licensing entity will suspend the parent's
15 license and the department of licensing will suspend any driver's
16 license that the parent holds until the parent provides the department
17 of licensing and the licensing entity with a written release from the
18 department stating that the responsible parent is in compliance with
19 the child support order;

20 (g) Suspension of a license will affect insurability if the
21 responsible parent's insurance policy excludes coverage for acts
22 occurring after the suspension of a license;

23 (h) If after receiving the notice of noncompliance with a child
24 support order, the responsible parent files a motion to modify support
25 with the court or requests the department to amend a support obligation
26 established by an administrative decision, the department or the court
27 may, for up to one hundred eighty days, stay action to certify the
28 parent to the department of licensing and any licensing entity for
29 noncompliance with a child support order. If a motion for modification
30 of a court or administrative order for child support is pending prior
31 to service of the notice, any action to certify the parent to a
32 licensing entity for noncompliance with a child support order shall be
33 automatically stayed until entry of a final order or decision in the
34 modification proceedings. The responsible parent has the obligation to
35 notify the department that a modification proceeding is pending and
36 provide a copy of the motion or request for modification; and

37 (i) If the responsible parent subsequently becomes in compliance
38 with the child support order, the department will promptly provide the
39 parent with a written release stating that the parent is in compliance

1 with the order, and the parent may request that the licensing entity or
2 the department of licensing reinstate the suspended license.

3 (4) A responsible parent may request an adjudicative proceeding
4 upon service of the notice described in subsection (2) of this section.
5 The request for an adjudicative proceeding must be received by the
6 department within twenty days of service. The request must be in
7 writing and indicate the current mailing address and daytime phone
8 number, if available, of the responsible parent. The proceedings under
9 this subsection shall be conducted in accordance with the requirements
10 of chapter 34.05 RCW. The issues that may be considered at the
11 adjudicative proceeding are limited to whether the responsible parent
12 is required to pay child support under a child support order and
13 whether the responsible parent is in compliance with the order.

14 (5) The decision resulting from the adjudicative proceeding must be
15 in writing and inform the responsible parent of all rights to review.
16 The parent's copy of the decision may be sent by regular mail to the
17 parent's most recent address of record.

18 (6) If a responsible parent contacts the department's division of
19 child support office indicated on the notice of noncompliance within
20 twenty days of service of the notice and requests arrangement of a
21 payment schedule, the department shall stay the certification of
22 noncompliance during negotiation of the schedule for payment of
23 arrears. In no event shall the stay continue for more than thirty days
24 from the date of contact by the parent. The department shall make good
25 faith efforts to establish a schedule for payment of arrears that is
26 fair and reasonable, and that considers the financial situation of the
27 responsible parent and the needs of all children who rely on the
28 responsible parent for support. At the end of the thirty days, if no
29 payment schedule has been agreed to in writing, the department shall
30 proceed with certification of noncompliance.

31 (7) If a responsible parent timely requests an adjudicative
32 proceeding to contest the issue of compliance, the department may not
33 certify the name of the parent to the department of licensing or a
34 licensing entity for noncompliance with a child support order unless
35 the adjudicative proceeding results in a finding that the responsible
36 parent is not in compliance with the order.

37 (8) The department may certify in writing to the department of
38 licensing and any appropriate licensing entity the name of a

1 responsible parent who is not in compliance with a child support order
2 if:

3 (a) The responsible parent does not timely request an adjudicative
4 proceeding upon service of a notice issued under subsection (2) of this
5 section and is not in compliance with a child support order twenty-one
6 days after service of the notice;

7 (b) An adjudicative proceeding results in a decision that the
8 responsible parent is not in compliance with a child support order;

9 (c) The department and the responsible parent have been unable to
10 agree on a fair and reasonable schedule for payment of the arrears; or

11 (d) The court enters a judgment on a petition for judicial review
12 that finds the responsible parent is not in compliance with a child
13 support order.

14 The department shall send by regular mail a copy of any
15 certification of noncompliance filed with the department of licensing
16 or a licensing entity to the responsible parent at the responsible
17 parent's most recent address of record.

18 (9) The department of licensing and a licensing entity shall notify
19 a responsible parent certified by the department under subsection (8)
20 of this section, without undue delay, that the parent's driver's
21 license or other license has been suspended because the parent's name
22 has been certified by the department as a responsible parent who is not
23 in compliance with a child support order.

24 (10) When a responsible parent who is served notice under
25 subsection (2) of this section subsequently complies with the child
26 support order, the department shall promptly provide the parent with a
27 written release stating that the responsible parent is in compliance
28 with the order.

29 (11) The department may adopt rules to implement and enforce the
30 requirements of this section.

31 (12) Nothing in this section prohibits a responsible parent from
32 filing a motion to modify support with the court or from requesting the
33 department to amend a support obligation established by an
34 administrative decision. If there is a reasonable likelihood that the
35 motion or request will significantly change the amount of the arrears,
36 the department or the court may, for up to one hundred eighty days,
37 stay action to certify the responsible parent to the department of
38 licensing and any licensing entity for noncompliance with a child
39 support order. If a motion for modification of a court or

1 administrative order for child support is pending prior to service of
2 the notice, any action to certify the parent to a licensing entity for
3 noncompliance with a child support order shall be automatically stayed
4 until entry of a final order or decision in the modification
5 proceedings. The responsible parent has the obligation to notify the
6 department that a modification proceeding is pending and provide a copy
7 of the motion or request for modification.

8 (13) The department of licensing and a licensing entity may issue,
9 renew, reinstate, or otherwise extend a license in accordance with the
10 licensing entity's or the department of licensing's rules after the
11 licensing entity or the department of licensing receives a copy of the
12 written release specified in subsection (10) of this section. The
13 department of licensing and a licensing entity may waive any applicable
14 requirement for reissuance, renewal, or other extension if it
15 determines that the imposition of that requirement places an undue
16 burden on the person and that waiver of the requirement is consistent
17 with the public interest.

18 NEW SECTION. Sec. 3. A new section is added to chapter 74.20A RCW
19 to read as follows:

20 (1) The department of social and health services and all of the
21 various licensing entities subject to section 2 of this act shall enter
22 into such agreements as are necessary to carry out the requirements of
23 the license suspension program established in section 2 of this act,
24 but only to the extent the departments and the licensing entities
25 determine it is cost-effective.

26 (2) On or before January 1, 1996, and quarterly thereafter, the
27 department of social and health services and all licensing entities
28 subject to section 2 of this act shall perform a comparison of
29 responsible parents who are not in compliance with a child support
30 order, as defined in section 2 of this act, with all licensees subject
31 to chapter . . ., Laws of 1995 (this act). The comparison may be
32 conducted electronically, or by any other means that is jointly
33 agreeable between the department and the particular licensing entity.
34 The data shared shall be limited to those items necessary to
35 implementation of chapter . . ., Laws of 1995 (this act). The purpose
36 of the comparison shall be to identify current licensees who are not in
37 compliance with a child support order, and to provide to the department

1 of social and health services the following information regarding those
2 licensees:

3 (a) Name;

4 (b) Date of birth;

5 (c) Address of record;

6 (d) Federal employer identification number or social security
7 number;

8 (e) Type of license;

9 (f) Effective date of license or renewal;

10 (g) Expiration date of license; and

11 (h) Active or inactive status.

12 **Sec. 4.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
13 amended to read as follows:

14 Unless a different meaning is plainly required by the context, the
15 following words and phrases as hereinafter used in this chapter and
16 chapter 74.20 RCW shall have the following meanings:

17 (1) "Department" means the state department of social and health
18 services.

19 (2) "Secretary" means the secretary of the department of social and
20 health services, his designee or authorized representative.

21 (3) "Dependent child" means any person:

22 (a) Under the age of eighteen who is not self-supporting, married,
23 or a member of the armed forces of the United States; or

24 (b) Over the age of eighteen for whom a court order for support
25 exists.

26 (4) "Support obligation" means the obligation to provide for the
27 necessary care, support, and maintenance, including medical expenses,
28 of a dependent child or other person as required by statutes and the
29 common law of this or another state.

30 (5) "Child support order" means a superior court order or an
31 administrative order.

32 (6) "Superior court order" means any judgment, decree, or order of
33 the superior court of the state of Washington, or a court of comparable
34 jurisdiction of another state, establishing the existence of a support
35 obligation and ordering payment of a set or determinable amount of
36 support moneys to satisfy the support obligation. For purposes of RCW
37 74.20A.055, orders for support which were entered under the uniform
38 reciprocal enforcement of support act by a state where the responsible

1 parent no longer resides shall not preclude the department from
2 establishing an amount to be paid as current and future support.

3 ~~((+6+))~~ (7) "Administrative order" means any determination,
4 finding, decree, or order for support pursuant to RCW 74.20A.055, or by
5 an agency of another state pursuant to a substantially similar
6 administrative process, establishing the existence of a support
7 obligation and ordering the payment of a set or determinable amount of
8 support moneys to satisfy the support obligation.

9 ~~((+7+))~~ (8) "Responsible parent" means a natural parent, adoptive
10 parent, or stepparent of a dependent child or a person who has signed
11 an affidavit acknowledging paternity which has been filed with the
12 state office of vital statistics.

13 ~~((+8+))~~ (9) "Stepparent" means the present spouse of the person who
14 is either the mother, father, or adoptive parent of a dependent child,
15 and such status shall exist until terminated as provided for in RCW
16 26.16.205.

17 ~~((+9+))~~ (10) "Support moneys" means any moneys or in-kind
18 providings paid to satisfy a support obligation whether denominated as
19 child support, spouse support, alimony, maintenance, or any other such
20 moneys intended to satisfy an obligation for support of any person or
21 satisfaction in whole or in part of arrears or delinquency on such an
22 obligation.

23 ~~((+10+))~~ (11) "Support debt" means any delinquent amount of support
24 moneys which is due, owing, and unpaid under a superior court order or
25 an administrative order, a debt for the payment of expenses for the
26 reasonable or necessary care, support, and maintenance, including
27 medical expenses, of a dependent child or other person for whom a
28 support obligation is owed; or a debt under RCW 74.20A.100 or
29 74.20A.270. Support debt also includes any accrued interest, fees, or
30 penalties charged on a support debt, and attorneys fees and other costs
31 of litigation awarded in an action to establish and enforce a support
32 obligation or debt.

33 ~~((+11+))~~ (12) "State" means any state or political subdivision,
34 territory, or possession of the United States, the District of
35 Columbia, and the Commonwealth of Puerto Rico.

36 NEW SECTION. Sec. 5. A new section is added to chapter 74.20A RCW
37 to read as follows:

1 In furtherance of the public policy of increasing collection of
2 child support and to assist in evaluation of the program established in
3 section 2 of this act, the department shall report the following to the
4 legislature and the governor on December 1, 1996, and annually
5 thereafter:

6 (1) The number of responsible parents identified as licensees
7 subject to section 2 of this act;

8 (2) The number of responsible parents identified by the department
9 as not in compliance with a child support order;

10 (3) The number of notices of noncompliance served upon responsible
11 parents by the department;

12 (4) The number of responsible parents served a notice of
13 noncompliance who request an adjudicative proceeding;

14 (5) The number of adjudicative proceedings held, and the results of
15 the adjudicative proceedings;

16 (6) The number of responsible parents certified to the department
17 of licensing or licensing entities for noncompliance with a child
18 support order, and the type of license the parents held;

19 (7) The costs incurred in the implementation and enforcement of
20 section 2 of this act and an estimate of the amount of child support
21 collected due to the departments under section 2 of this act;

22 (8) Any other information regarding this program that the
23 department feels will assist in evaluation of the program;

24 (9) Recommendations for the addition of specific licenses in the
25 program or exclusion of specific licenses from the program, and reasons
26 for such recommendations; and

27 (10) Any recommendations for statutory changes necessary for the
28 cost-effective management of the program.

29 **Sec. 6.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read
30 as follows:

31 The department is authorized to suspend the license of a driver
32 upon a showing by its records or other sufficient evidence that the
33 licensee:

34 (1) Has committed an offense for which mandatory revocation or
35 suspension of license is provided by law;

36 (2) Has, by reckless or unlawful operation of a motor vehicle,
37 caused or contributed to an accident resulting in death or injury to
38 any person or serious property damage;

1 (3) Has been convicted of offenses against traffic regulations
2 governing the movement of vehicles, or found to have committed traffic
3 infractions, with such frequency as to indicate a disrespect for
4 traffic laws or a disregard for the safety of other persons on the
5 highways;

6 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
7 ((or))

8 (5) Has failed to respond to a notice of traffic infraction, failed
9 to appear at a requested hearing, violated a written promise to appear
10 in court, or has failed to comply with the terms of a notice of traffic
11 infraction or citation, as provided in RCW 46.20.289; ((or))

12 (6) Has committed one of the prohibited practices relating to
13 drivers' licenses defined in RCW 46.20.336; or

14 (7) Has been certified by the department of social and health
15 services as a person who is not in compliance with a child support
16 order as provided in section 2 of this act.

17 **Sec. 7.** RCW 46.20.311 and 1994 c 275 s 27 are each amended to read
18 as follows:

19 (1) The department shall not suspend a driver's license or
20 privilege to drive a motor vehicle on the public highways for a fixed
21 period of more than one year, except as specifically permitted under
22 RCW 46.20.342 or other provision of law. Except for a suspension under
23 RCW 46.20.289 and 46.20.291(5), whenever the license or driving
24 privilege of any person is suspended by reason of a conviction, a
25 finding that a traffic infraction has been committed, pursuant to
26 chapter 46.29 RCW, or pursuant to RCW 46.20.291, the suspension shall
27 remain in effect until the person gives and thereafter maintains proof
28 of financial responsibility for the future as provided in chapter 46.29
29 RCW. Whenever the license or driving privilege of any person is
30 suspended as a result of certification of noncompliance with a child
31 support order under chapter 74.20A RCW, the suspension shall remain in
32 effect until the person provides a written release issued by the
33 department of social and health services stating that the person is in
34 compliance with the order. The department shall not issue to the
35 person a new, duplicate, or renewal license until the person pays a
36 reissue fee of twenty dollars. If the suspension is the result of a
37 violation of RCW 46.61.502 or 46.61.504, the reissue fee shall be fifty
38 dollars.

1 (2) Any person whose license or privilege to drive a motor vehicle
2 on the public highways has been revoked, unless the revocation was for
3 a cause which has been removed, is not entitled to have the license or
4 privilege renewed or restored until: (a) After the expiration of one
5 year from the date the license or privilege to drive was revoked; (b)
6 after the expiration of the applicable revocation period provided by
7 RCW 46.20.308 or 46.61.5052, 46.61.5053, or 46.20.365; (c) after the
8 expiration of two years for persons convicted of vehicular homicide; or
9 (d) after the expiration of the applicable revocation period provided
10 by RCW 46.20.265. After the expiration of the appropriate period, the
11 person may make application for a new license as provided by law
12 together with a reissue fee in the amount of twenty dollars, but if the
13 revocation is the result of a violation of RCW 46.20.308, 46.61.502, or
14 46.61.504 or is the result of administrative action under RCW
15 46.20.365, the reissue fee shall be fifty dollars. Except for a
16 revocation under RCW 46.20.265, the department shall not then issue a
17 new license unless it is satisfied after investigation of the driving
18 ability of the person that it will be safe to grant the privilege of
19 driving a motor vehicle on the public highways, and until the person
20 gives and thereafter maintains proof of financial responsibility for
21 the future as provided in chapter 46.29 RCW. For a revocation under
22 RCW 46.20.265, the department shall not issue a new license unless it
23 is satisfied after investigation of the driving ability of the person
24 that it will be safe to grant that person the privilege of driving a
25 motor vehicle on the public highways.

26 (3) Whenever the driver's license of any person is suspended
27 pursuant to Article IV of the nonresident violators compact or RCW
28 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
29 to the person any new or renewal license until the person pays a
30 reissue fee of twenty dollars. If the suspension is the result of a
31 violation of the laws of this or any other state, province, or other
32 jurisdiction involving (a) the operation or physical control of a motor
33 vehicle upon the public highways while under the influence of
34 intoxicating liquor or drugs, or (b) the refusal to submit to a
35 chemical test of the driver's blood alcohol content, the reissue fee
36 shall be fifty dollars.

37 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.22 RCW
38 to read as follows:

1 A motor vehicle liability insurance policy that contains any
2 provision excluding insurance coverage for an unlicensed driver shall
3 not apply for ninety days from the date of suspension in the event that
4 the department of licensing suspends a driver's license solely for the
5 nonpayment of child support as provided in chapter 74.20A RCW.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.48 RCW
7 to read as follows:

8 ATTORNEYS. Any member of the Washington state bar association who
9 has been certified by the department of social and health services as
10 a person who is not in compliance with a child support order as
11 provided in section 2 of this act shall be immediately suspended from
12 membership. Membership shall not be reinstated until the person
13 provides the Washington state bar association a written release issued
14 by the department of social and health services stating that the person
15 is in compliance with the order. If the person has continued to meet
16 all other requirements for membership during the suspension,
17 reinstatement shall be automatic upon receipt of the notice and payment
18 of any reinstatement fee the association may impose.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 18.04 RCW
20 to read as follows:

21 ACCOUNTANTS. The board shall immediately suspend the certificate
22 or license of a person who has been certified pursuant to section 2 of
23 this act by the department of social and health services as a person
24 who is not in compliance with a child support order.

25 **Sec. 11.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
26 read as follows:

27 ACCOUNTANTS. (1) Upon application in writing and after hearing
28 pursuant to notice, the board may:

29 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or
30 license to, an individual whose certificate has been revoked or
31 suspended; or

32 ~~((2))~~ (b) Modify the suspension of, or reissue a license to a
33 firm whose license has been revoked, suspended, or which the board has
34 refused to renew.

35 (2) In the case of suspension for failure to comply with a child
36 support order under chapter 74.20A RCW, if the person has continued to

1 meet all other requirements for reinstatement during the suspension,
2 reissuance of a certificate or license shall be automatic upon the
3 board's receipt of a written release issued by the department of social
4 and health services stating that the individual is in compliance with
5 the child support order.

6 NEW SECTION. Sec. 12. A new section is added to chapter 18.08 RCW
7 to read as follows:

8 ARCHITECTS. The board shall immediately suspend the certificate of
9 registration or certificate of authorization to practice architecture
10 of a person who has been certified pursuant to section 2 of this act by
11 the department of social and health services as a person who is not in
12 compliance with a child support order. If the person has continued to
13 meet other requirements for reinstatement during the suspension,
14 reissuance of the certificate shall be automatic upon the board's
15 receipt of a written release issued by the department of social and
16 health services stating that the individual is in compliance with the
17 child support order.

18 **Sec. 13.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
19 read as follows:

20 AUCTIONEERS. (1) No license shall be issued by the department to
21 any person who has been convicted of forgery, embezzlement, obtaining
22 money under false pretenses, extortion, criminal conspiracy, fraud,
23 theft, receiving stolen goods, unlawful issuance of checks or drafts,
24 or other similar offense, or to any partnership of which the person is
25 a member, or to any association or corporation of which the person is
26 an officer or in which as a stockholder the person has or exercises a
27 controlling interest either directly or indirectly.

28 (2) The following shall be grounds for denial, suspension, or
29 revocation of a license, or imposition of an administrative fine by the
30 department:

31 (a) Misrepresentation or concealment of material facts in obtaining
32 a license;

33 (b) Underreporting to the department of sales figures so that the
34 auctioneer or auction company surety bond is in a lower amount than
35 required by law;

36 (c) Revocation of a license by another state;

37 (d) Misleading or false advertising;

1 (e) A pattern of substantial misrepresentations related to
2 auctioneering or auction company business;

3 (f) Failure to cooperate with the department in any investigation
4 or disciplinary action;

5 (g) Nonpayment of an administrative fine prior to renewal of a
6 license;

7 (h) Aiding an unlicensed person to practice as an auctioneer or as
8 an auction company; and

9 (i) Any other violations of this chapter.

10 (3) The department shall immediately suspend the license of a
11 person who has been certified pursuant to section 2 of this act by the
12 department of social and health services as a person who is not in
13 compliance with a child support order. If the person has continued to
14 meet all other requirements for reinstatement during the suspension,
15 reissuance of the license shall be automatic upon the department's
16 receipt of a written release issued by the department of social and
17 health services stating that the licensee is in compliance with the
18 child support order.

19 NEW SECTION. Sec. 14. A new section is added to chapter 18.16 RCW
20 to read as follows:

21 COSMETOLOGISTS, BARBERS, AND MANICURISTS. The department shall
22 immediately suspend the license of a person who has been certified
23 pursuant to section 2 of this act by the department of social and
24 health services as a person who is not in compliance with a child
25 support order. If the person has continued to meet all other
26 requirements for reinstatement during the suspension, reissuance of the
27 license shall be automatic upon the department's receipt of a written
28 release issued by the department of social and health services stating
29 that the licensee is in compliance with the child support order.

30 NEW SECTION. Sec. 15. A new section is added to chapter 18.20 RCW
31 to read as follows:

32 BOARDING HOMES. The department shall immediately suspend the
33 license of a person who has been certified pursuant to section 2 of
34 this act by the department of social and health services as a person
35 who is not in compliance with a child support order. If the person has
36 continued to meet all other requirements for reinstatement during the
37 suspension, reissuance of the license shall be automatic upon the

1 department's receipt of a written release issued by the department of
2 social and health services stating that the licensee is in compliance
3 with the child support order.

4 **Sec. 16.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
5 amended to read as follows:

6 CONTRACTORS. (1) A certificate of registration shall be valid for
7 one year and shall be renewed on or before the expiration date. The
8 department shall issue to the applicant a certificate of registration
9 upon compliance with the registration requirements of this chapter.

10 (2) If the department approves an application, it shall issue a
11 certificate of registration to the applicant. The certificate shall be
12 valid for:

13 (a) One year;

14 (b) Until the bond expires; or

15 (c) Until the insurance expires, whichever comes first. The
16 department shall place the expiration date on the certificate.

17 (3) A contractor may supply a short-term bond or insurance policy
18 to bring its registration period to the full one year.

19 (4) If a contractor's surety bond or other security has an
20 unsatisfied judgment against it or is canceled, or if the contractor's
21 insurance policy is canceled, the contractor's registration shall be
22 automatically suspended on the effective date of the impairment or
23 cancellation. The department shall give notice of the suspension to
24 the contractor.

25 (5) The department shall immediately suspend the certificate of
26 registration of a contractor who has been certified by the department
27 of social and health services as a person who is not in compliance with
28 a child support order as provided in section 2 of this act. The
29 certificate of registration shall not be reissued or renewed unless the
30 person provides to the department a written release from the department
31 of social and health services stating that he or she is in compliance
32 with the child support order and the person has continued to meet all
33 other requirements for certification during the suspension.

34 NEW SECTION. **Sec. 17.** A new section is added to chapter 18.28 RCW
35 to read as follows:

36 DEBT ADJUSTERS. The department shall immediately suspend the
37 license of a person who has been certified pursuant to section 2 of

1 this act by the department of social and health services as a person
2 who is not in compliance with a child support order. If the person has
3 continued to meet all other requirements for reinstatement during the
4 suspension, reissuance of the license shall be automatic upon the
5 department's receipt of a written release issued by the department of
6 social and health services stating that the licensee is in compliance
7 with the child support order.

8 **Sec. 18.** RCW 18.39.181 and 1986 c 259 s 65 are each amended to
9 read as follows:

10 EMBALMERS AND FUNERAL DIRECTORS. The director shall have the
11 following powers and duties:

12 (1) To issue all licenses provided for under this chapter;

13 (2) To annually renew licenses under this chapter;

14 (3) To collect all fees prescribed and required under this chapter;

15 ((and))

16 (4) To immediately suspend the license of a person who has been
17 certified pursuant to section 2 of this act by the department of social
18 and health services as a person who is not in compliance with a child
19 support order; and

20 (5) To keep general books of record of all official acts,
21 proceedings, and transactions of the department of licensing while
22 acting under this chapter.

23 NEW SECTION. **Sec. 19.** A new section is added to chapter 18.39 RCW
24 to read as follows:

25 EMBALMERS AND FUNERAL DIRECTORS. In the case of suspension for
26 failure to comply with a child support order under chapter 74.20A RCW,
27 if the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of a license shall be
29 automatic upon the director's receipt of a written release issued by
30 the department of social and health services stating that the
31 individual is in compliance with the child support order.

32 NEW SECTION. **Sec. 20.** A new section is added to chapter 18.43 RCW
33 to read as follows:

34 ENGINEERS AND LAND SURVEYORS. The board shall immediately suspend
35 the registration of a person who has been certified pursuant to section
36 2 of this act by the department of social and health services as a

1 person who is not in compliance with a child support order. If the
2 person has continued to meet all other requirements for membership
3 during the suspension, reissuance of the registration shall be
4 automatic upon the board's receipt of a written release issued by the
5 department of social and health services stating that the person is in
6 compliance with the child support order.

7 NEW SECTION. **Sec. 21.** A new section is added to chapter 18.44 RCW
8 to read as follows:

9 ESCROW AGENTS. The department shall immediately suspend the
10 certificate of registration of a person who has been certified pursuant
11 to section 2 of this act by the department of social and health
12 services as a person who is not in compliance with a child support
13 order. If the person has continued to meet all other requirements for
14 certification during the suspension, reissuance of the certificate
15 shall be automatic upon the department's receipt of a written release
16 issued by the department of social and health services stating that the
17 person is in compliance with the child support order.

18 **Sec. 22.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read
19 as follows:

20 MATERNITY HOMES. The department may deny, suspend, or revoke a
21 license in any case in which it finds that there has been failure or
22 refusal to comply with the requirements established under this chapter
23 or the rules adopted under it.

24 The department shall immediately suspend the license of a person
25 who has been certified pursuant to section 2 of this act by the
26 department of social and health services as a person who is not in
27 compliance with a child support order. If the person has continued to
28 meet all other requirements for reinstatement during the suspension,
29 reissuance of the license shall be automatic upon the department's
30 receipt of a written release issued by the department of social and
31 health services stating that the person is in compliance with the child
32 support order.

33 RCW 43.70.115 governs notice of a license denial, revocation,
34 suspension, or modification and provides the right to an adjudicative
35 proceeding.

1 NEW SECTION. **Sec. 23.** A new section is added to chapter 18.51 RCW
2 to read as follows:

3 NURSING HOME OPERATORS. The department shall immediately suspend
4 the license of a person who has been certified pursuant to section 2 of
5 this act by the department of social and health services, division of
6 child support, as a person who is not in compliance with a child
7 support order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license shall be automatic upon the department's receipt of a written
10 release issued by the division of child support stating that the person
11 is in compliance with the child support order.

12 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.76 RCW
13 to read as follows:

14 POISON CENTER MEDICAL DIRECTOR/POISON INFORMATION SPECIALISTS. The
15 department shall immediately suspend the certification of a poison
16 center medical director or a poison information specialist who has been
17 certified pursuant to section 2 of this act by the department of social
18 and health services as a person who is not in compliance with a child
19 support order. If the person has continued to meet all other
20 requirements for certification during the suspension, reissuance of the
21 certification shall be automatic upon the department's receipt of a
22 written release issued by the department of social and health services
23 stating that the person is in compliance with the child support order.

24 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.85 RCW
25 to read as follows:

26 REAL ESTATE BROKERS AND SALESPERSONS. The director shall
27 immediately suspend the license of a broker or salesperson who has been
28 certified pursuant to section 2 of this act by the department of social
29 and health services as a person who is not in compliance with a child
30 support order. If the person has continued to meet all other
31 requirements for reinstatement during the suspension, reissuance of the
32 license shall be automatic upon the director's receipt of a written
33 release issued by the department of social and health services stating
34 that the person is in compliance with the child support order.

35 **Sec. 26.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
36 to read as follows:

1 LANDSCAPE ARCHITECTS. (1) The director may refuse to renew, or may
2 suspend or revoke, a certificate of registration to use the titles
3 landscape architect, landscape architecture, or landscape architectural
4 in this state upon the following grounds:

5 ((+1)) (a) The holder of the certificate of registration is
6 impersonating a practitioner or former practitioner.

7 ((+2)) (b) The holder of the certificate of registration is guilty
8 of fraud, deceit, gross negligence, gross incompetency or gross
9 misconduct in the practice of landscape architecture.

10 ((+3)) (c) The holder of the certificate of registration permits
11 his seal to be affixed to any plans, specifications or drawings that
12 were not prepared by him or under his personal supervision by employees
13 subject to his direction and control.

14 ((+4)) (d) The holder of the certificate has committed fraud in
15 applying for or obtaining a certificate.

16 (2) The director shall immediately suspend the certificate of
17 registration of a landscape architect who has been certified pursuant
18 to section 2 of this act by the department of social and health
19 services as a person who is not in compliance with a child support
20 order. If the person has continued to meet all other requirements for
21 certification during the suspension, reissuance of the certificate of
22 registration shall be automatic upon the director's receipt of a
23 written release issued by the department of social and health services
24 stating that the person is in compliance with the child support order.

25 **Sec. 27.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
26 read as follows:

27 WATER WELL CONSTRUCTION. (1) In cases other than those relating to
28 the failure of a licensee to renew a license, the director may suspend
29 or revoke a license issued pursuant to this chapter for any of the
30 following reasons:

31 ((+1)) (a) For fraud or deception in obtaining the license;

32 ((+2)) (b) For fraud or deception in reporting under RCW
33 18.104.050;

34 ((+3)) (c) For violating the provisions of this chapter, or of any
35 lawful rule or regulation of the department or the department of
36 health.

37 (2) The director shall immediately suspend any license issued under
38 this chapter if the holder of the license has been certified pursuant

1 to section 2 of this act by the department of social and health
2 services as a person who is not in compliance with a child support
3 order. If the person has continued to meet all other requirements for
4 reinstatement during the suspension, reissuance of the license shall be
5 automatic upon the director's receipt of a written release issued by
6 the department of social and health services stating that the person is
7 in compliance with the child support order.

8 (3) No license shall be suspended for more than six months, except
9 that a suspension under section 2 of this act shall continue until the
10 department receives a written release issued by the department of
11 social and health services stating that the person is in compliance
12 with the order.

13 (4) No person whose license is revoked shall be eligible to apply
14 for a license for one year from the effective date of the final order
15 of revocation.

16 NEW SECTION. Sec. 28. A new section is added to chapter 18.106
17 RCW to read as follows:

18 PLUMBERS. The department shall immediately suspend any certificate
19 of competency issued under this chapter if the holder of the
20 certificate has been certified pursuant to section 2 of this act by the
21 department of social and health services as a person who is not in
22 compliance with a child support order. If the person has continued to
23 meet all other requirements for certification during the suspension,
24 reissuance of the certificate of competency shall be automatic upon the
25 department's receipt of a written release issued by the department of
26 social and health services stating that the person is in compliance
27 with the child support order.

28 NEW SECTION. Sec. 29. A new section is added to chapter 18.130
29 RCW to read as follows:

30 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
31 authority shall immediately suspend the license of any person subject
32 to this chapter who has been certified by the department of social and
33 health services as a person who is not in compliance with a child
34 support order as provided in section 2 of this act.

35 **Sec. 30.** RCW 18.130.050 and 1993 c 367 s 21 and 1993 c 367 s 5 are
36 each reenacted and amended to read as follows:

1 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. The disciplining
2 authority has the following authority:

3 (1) To adopt, amend, and rescind such rules as are deemed necessary
4 to carry out this chapter;

5 (2) To investigate all complaints or reports of unprofessional
6 conduct as defined in this chapter and to hold hearings as provided in
7 this chapter;

8 (3) To issue subpoenas and administer oaths in connection with any
9 investigation, hearing, or proceeding held under this chapter;

10 (4) To take or cause depositions to be taken and use other
11 discovery procedures as needed in any investigation, hearing, or
12 proceeding held under this chapter;

13 (5) To compel attendance of witnesses at hearings;

14 (6) In the course of investigating a complaint or report of
15 unprofessional conduct, to conduct practice reviews;

16 (7) To take emergency action ordering summary suspension of a
17 license, or restriction or limitation of the licensee's practice
18 pending proceedings by the disciplining authority;

19 (8) To use the office of administrative hearings as authorized in
20 chapter 34.12 RCW to conduct hearings. However, the disciplining
21 authority shall make the final decision regarding disposition of the
22 license;

23 (9) To use individual members of the boards to direct
24 investigations. However, the member of the board shall not
25 subsequently participate in the hearing of the case;

26 (10) To enter into contracts for professional services determined
27 to be necessary for adequate enforcement of this chapter;

28 (11) To contract with licensees or other persons or organizations
29 to provide services necessary for the monitoring and supervision of
30 licensees who are placed on probation, whose professional activities
31 are restricted, or who are for any authorized purpose subject to
32 monitoring by the disciplining authority;

33 (12) To adopt standards of professional conduct or practice;

34 (13) To grant or deny license applications, and in the event of a
35 finding of unprofessional conduct by an applicant or license holder, to
36 impose any sanction against a license applicant or license holder
37 provided by this chapter;

38 (14) To designate individuals authorized to sign subpoenas and
39 statements of charges;

1 (15) To establish panels consisting of three or more members of the
2 board to perform any duty or authority within the board's jurisdiction
3 under this chapter;

4 (16) To review and audit the records of licensed health facilities'
5 or services' quality assurance committee decisions in which a
6 licensee's practice privilege or employment is terminated or
7 restricted. Each health facility or service shall produce and make
8 accessible to the disciplining authority the appropriate records and
9 otherwise facilitate the review and audit. Information so gained shall
10 not be subject to discovery or introduction into evidence in any civil
11 action pursuant to RCW 70.41.200(3);

12 (17) To immediately suspend licenses of persons who have been
13 certified by the department of social and health services as not in
14 compliance with a child support order as provided in section 2 of this
15 act.

16 **Sec. 31.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
17 read as follows:

18 UNIFORM DISCIPLINARY ACT--HEALTH PROFESSIONS. A person whose
19 license has been suspended or revoked under this chapter may petition
20 the disciplining authority for reinstatement after an interval as
21 determined by the disciplining authority in the order. The
22 disciplining authority shall hold hearings on the petition and may deny
23 the petition or may order reinstatement and impose terms and conditions
24 as provided in RCW 18.130.160 and issue an order of reinstatement. The
25 disciplining authority may require successful completion of an
26 examination as a condition of reinstatement.

27 A person whose license has been suspended for noncompliance with a
28 child support order under section 2 of this act may petition for
29 reinstatement at any time by providing the disciplining authority a
30 written release issued by the department of social and health services
31 stating that the person is in compliance with the child support order.
32 If the person has continued to meet all other requirements for
33 reinstatement during the suspension, the disciplining authority shall
34 automatically reissue the person's license upon receipt of the release,
35 and payment of a reinstatement fee, if any.

36 NEW SECTION. **Sec. 32.** A new section is added to chapter 18.140
37 RCW to read as follows:

1 CERTIFIED REAL ESTATE APPRAISERS. The department shall immediately
2 suspend any license or certificate issued under this chapter if the
3 holder has been certified pursuant to section 2 of this act by the
4 department of social and health services as a person who is not in
5 compliance with a child support order. If the person has continued to
6 meet all other requirements for reinstatement during the suspension,
7 reissuance of the license or certificate shall be automatic upon the
8 department's receipt of a written release issued by the department of
9 social and health services stating that the person is in compliance
10 with the child support order.

11 NEW SECTION. **Sec. 33.** A new section is added to chapter 18.145
12 RCW to read as follows:

13 SHORTHAND REPORTERS. The director shall immediately suspend any
14 certificate issued under this chapter if the holder has been certified
15 pursuant to section 2 of this act by the department of social and
16 health services as a person who is not in compliance with a child
17 support order. If the person has continued to meet all other
18 requirements for certification during the suspension, reissuance of the
19 certificate shall be automatic upon the director's receipt of a written
20 release issued by the department of social and health services stating
21 that the person is in compliance with the child support order.

22 **Sec. 34.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
23 read as follows:

24 FIRE SPRINKLER SYSTEM CONTRACTORS. (1) The state director of fire
25 protection may refuse to issue or renew or may suspend or revoke the
26 privilege of a licensed fire protection sprinkler system contractor or
27 the certificate of a certificate of competency holder to engage in the
28 fire protection sprinkler system business or in lieu thereof, establish
29 penalties as prescribed by Washington state law, for any of the
30 following reasons:

31 (a) Gross incompetency or gross negligence in the preparation of
32 technical drawings, installation, repair, alteration, maintenance,
33 inspection, service, or addition to fire protection sprinkler systems;

34 (b) Conviction of a felony;

35 (c) Fraudulent or dishonest practices while engaging in the fire
36 protection sprinkler systems business;

1 (d) Use of false evidence or misrepresentation in an application
2 for a license or certificate of competency;

3 (e) Permitting his or her license to be used in connection with the
4 preparation of any technical drawings which have not been prepared by
5 him or her personally or under his or her immediate supervision, or in
6 violation of this chapter; or

7 (f) Knowingly violating any provisions of this chapter or the
8 regulations issued thereunder.

9 (2) The state director of fire protection shall revoke the license
10 of a licensed fire protection sprinkler system contractor or the
11 certificate of a certificate of competency holder who engages in the
12 fire protection sprinkler system business while the license or
13 certificate of competency is suspended.

14 (3) The state director of fire protection shall immediately suspend
15 any license or certificate issued under this chapter if the holder has
16 been certified pursuant to section 2 of this act by the department of
17 social and health services as a person who is not in compliance with a
18 child support order. If the person has continued to meet all other
19 requirements for reinstatement during the suspension, reissuance of the
20 license or certificate shall be automatic upon the director's receipt
21 of a written release issued by the department of social and health
22 services stating that the person is in compliance with the child
23 support order.

24 (4) Any licensee or certificate of competency holder who is
25 aggrieved by an order of the state director of fire protection
26 suspending or revoking a license may, within thirty days after notice
27 of such suspension or revocation, appeal under chapter 34.05 RCW.

28 NEW SECTION. Sec. 35. A new section is added to chapter 18.165
29 RCW to read as follows:

30 PRIVATE DETECTIVES. The department shall immediately suspend a
31 license issued under this chapter if the holder has been certified
32 pursuant to section 2 of this act by the department of social and
33 health services as a person who is not in compliance with a child
34 support order. If the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of the
36 license shall be automatic upon the department's receipt of a written
37 release issued by the department of social and health services stating
38 that the person is in compliance with the child support order.

1 NEW SECTION. **Sec. 36.** A new section is added to chapter 18.170
2 RCW to read as follows:

3 SECURITY GUARDS. The director shall immediately suspend any
4 license issued under this chapter if the holder has been certified
5 pursuant to section 2 of this act by the department of social and
6 health services as a person who is not in compliance with a child
7 support order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license shall be automatic upon the director's receipt of a written
10 release issued by the department of social and health services stating
11 that the person is in compliance with the child support order.

12 NEW SECTION. **Sec. 37.** A new section is added to chapter 18.175
13 RCW to read as follows:

14 ATHLETE AGENTS. The director shall immediately suspend a
15 certificate of registration issued under this chapter if the holder has
16 been certified pursuant to section 2 of this act by the department of
17 social and health services as a person who is not in compliance with a
18 child support order. If the person has continued to meet all other
19 requirements for certification during the suspension, reissuance of the
20 certificate shall be automatic upon the director's receipt of a written
21 release issued by the department of social and health services stating
22 that the person is in compliance with the child support order.

23 NEW SECTION. **Sec. 38.** A new section is added to chapter 18.185
24 RCW to read as follows:

25 BAIL BOND AGENTS. The director shall immediately suspend any
26 license issued under this chapter if the holder has been certified
27 pursuant to section 2 of this act by the department of social and
28 health services as a person who is not in compliance with a child
29 support order. If the person has continued to meet all other
30 requirements for reinstatement during the suspension, reissuance of the
31 license shall be automatic upon the director's receipt of a written
32 release issued by the department of social and health services stating
33 that the person is in compliance with the child support order.

34 **Sec. 39.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
35 read as follows:

1 This section governs the denial of an application for a license or
2 the suspension, revocation, or modification of a license by the
3 department.

4 (1) The department shall give written notice of the denial of an
5 application for a license to the applicant or his or her agent. The
6 department shall give written notice of revocation, suspension, or
7 modification of a license to the licensee or his or her agent. The
8 notice shall state the reasons for the action. The notice shall be
9 personally served in the manner of service of a summons in a civil
10 action or shall be given in (~~an other~~) another manner that shows
11 proof of receipt.

12 (2) Except as otherwise provided in this subsection and in
13 subsection (4) of this section, revocation, suspension, or modification
14 is effective twenty-eight days after the licensee or the agent receives
15 the notice.

16 (a) The department may make the date the action is effective later
17 than twenty-eight days after receipt. If the department does so, it
18 shall state the effective date in the written notice given the licensee
19 or agent.

20 (b) The department may make the date the action is effective sooner
21 than twenty-eight days after receipt when necessary to protect the
22 public health, safety, or welfare. When the department does so, it
23 shall state the effective date and the reasons supporting the effective
24 date in the written notice given to the licensee or agent.

25 (c) When the department has received certification pursuant to
26 chapter 74.20A RCW from the division of child support that the licensee
27 is a person who is not in compliance with a child support order, the
28 department shall provide that the suspension is effective immediately
29 upon receipt of the suspension notice by the licensee.

30 (3) Except for licensees suspended for noncompliance with a child
31 support order under chapter 74.20A RCW, a license applicant or licensee
32 who is aggrieved by a department denial, revocation, suspension, or
33 modification has the right to an adjudicative proceeding. The
34 proceeding is governed by the Administrative Procedure Act, chapter
35 34.05 RCW. The application must be in writing, state the basis for
36 contesting the adverse action, include a copy of the adverse notice, be
37 served on and received by the department within twenty-eight days of
38 the license applicant's or licensee's receiving the adverse notice, and
39 be served in a manner that shows proof of receipt.

1 (4)(a) If the department gives a licensee twenty-eight or more days
2 notice of revocation, suspension, or modification and the licensee
3 files an appeal before its effective date, the department shall not
4 implement the adverse action until the final order has been entered.
5 The presiding or reviewing officer may permit the department to
6 implement part or all of the adverse action while the proceedings are
7 pending if the appellant causes an unreasonable delay in the
8 proceeding, if the circumstances change so that implementation is in
9 the public interest, or for other good cause.

10 (b) If the department gives a licensee less than twenty-eight days
11 notice of revocation, suspension, or modification and the licensee
12 timely files a sufficient appeal, the department may implement the
13 adverse action on the effective date stated in the notice. The
14 presiding or reviewing officer may order the department to stay
15 implementation of part or all of the adverse action while the
16 proceedings are pending if staying implementation is in the public
17 interest or for other good cause.

18 **Sec. 40.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read
19 as follows:

20 This section governs the denial of an application for a license or
21 the suspension, revocation, or modification of a license by the
22 department. This section does not govern actions taken under chapter
23 18.130 RCW.

24 (1) The department shall give written notice of the denial of an
25 application for a license to the applicant or his or her agent. The
26 department shall give written notice of revocation, suspension, or
27 modification of a license to the licensee or his or her agent. The
28 notice shall state the reasons for the action. The notice shall be
29 personally served in the manner of service of a summons in a civil
30 action or shall be given in (~~(an other [another])~~) another manner that
31 shows proof of receipt.

32 (2) Except as otherwise provided in this subsection and in
33 subsection (4) of this section, revocation, suspension, or modification
34 is effective twenty-eight days after the licensee or the agent receives
35 the notice.

36 (a) The department may make the date the action is effective later
37 than twenty-eight days after receipt. If the department does so, it

1 shall state the effective date in the written notice given the licensee
2 or agent.

3 (b) The department may make the date the action is effective sooner
4 than twenty-eight days after receipt when necessary to protect the
5 public health, safety, or welfare. When the department does so, it
6 shall state the effective date and the reasons supporting the effective
7 date in the written notice given to the licensee or agent.

8 (c) When the department has received certification pursuant to
9 chapter 74.20A RCW from the department of social and health services
10 that the licensee is a person who is not in compliance with a child
11 support order, the department shall provide that the suspension is
12 effective immediately upon receipt of the suspension notice by the
13 licensee.

14 (3) Except for licensees suspended for noncompliance with a child
15 support order under chapter 74.20A RCW, a license applicant or licensee
16 who is aggrieved by a department denial, revocation, suspension, or
17 modification has the right to an adjudicative proceeding. The
18 proceeding is governed by the Administrative Procedure Act, chapter
19 34.05 RCW. The application must be in writing, state the basis for
20 contesting the adverse action, include a copy of the adverse notice, be
21 served on and received by the department within twenty-eight days of
22 the license applicant's or licensee's receiving the adverse notice, and
23 be served in a manner that shows proof of receipt.

24 (4)(a) If the department gives a licensee twenty-eight or more days
25 notice of revocation, suspension, or modification and the licensee
26 files an appeal before its effective date, the department shall not
27 implement the adverse action until the final order has been entered.
28 The presiding or reviewing officer may permit the department to
29 implement part or all of the adverse action while the proceedings are
30 pending if the appellant causes an unreasonable delay in the
31 proceeding, if the circumstances change so that implementation is in
32 the public interest, or for other good cause.

33 (b) If the department gives a licensee less than twenty-eight days
34 notice of revocation, suspension, or modification and the licensee
35 timely files a sufficient appeal, the department may implement the
36 adverse action on the effective date stated in the notice. The
37 presiding or reviewing officer may order the department to stay
38 implementation of part or all of the adverse action while the

1 proceedings are pending if staying implementation is in the public
2 interest or for other good cause.

3 NEW SECTION. **Sec. 41.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 42.** Section captions as used in this act do not
8 constitute any part of the law.

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